
HOUSE CONCURRENT RESOLUTION

URGING THE CRIMINAL JUSTICE SYSTEM TO PROVIDE ADDITIONAL RIGHTS
TO VICTIMS OF, SURVIVING IMMEDIATE FAMILY MEMBERS OF, AND
WITNESSES TO A CRIME.

1 WHEREAS, victims of crime, despite the rights currently
2 afforded to them, still require additional assistance in their
3 time of need; and

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5 WHEREAS, the criminal justice system has a responsibility
6 to help crime victims, who seek information on their cases and
7 restitution from convicted persons, among other important
8 issues; and

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10 WHEREAS, victims, surviving immediate family members of,
11 and witnesses to a crime will be more cooperative if they trust
12 law enforcement will protect them from harm; and

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14 WHEREAS, the criminal justice system will be viewed by the
15 public as more lawful and compassionate when additional rights
16 and protections are provided to crime victims; and

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18 WHEREAS, additional rights and protections are needed to
19 alleviate the continuing injustice done to victims after the
20 crime has been committed; now, therefore,

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22 BE IT RESOLVED by the House of Representatives of the
23 Twenty-sixth Legislature of the State of Hawaii, Regular Session
24 of 2011, the Senate concurring, that upon a written request, a
25 victim of, a surviving immediate family member of, or, where
26 specifically provided below, a witness to a crime have the
27 following rights:



- 1 (1) To be informed of the rights as set forth herein that
2 are applicable to a victim of, surviving immediate
3 family member of, or witness to a crime;
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- 5 (2) To be treated with fairness, respect, and dignity, and
6 to be free from intimidation, harassment, or abuse,
7 throughout the criminal justice process;
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- 9 (3) To be informed by the police and the prosecuting
10 attorney of the final disposition of the case. If the
11 crime charged is a felony, the victim or a surviving
12 immediate family member shall be notified of major
13 developments in the case and whenever the defendant or
14 perpetrator is released from custody. The victim or a
15 surviving immediate family member shall also be
16 consulted and advised about plea bargaining by the
17 prosecuting attorney;
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- 19 (4) To be present at and to be informed of all criminal
20 proceedings where the defendant has the right to be
21 present;
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- 23 (5) To be heard at any proceeding involving a post-arrest
24 release decision, a negotiated plea, or sentencing;
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- 26 (6) To be notified by the prosecuting attorney if a court
27 proceeding to which a victim, surviving immediate
28 family member, or witness has been subpoenaed will not
29 proceed as scheduled;
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- 31 (7) To receive protection from threats or harm;
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- 33 (8) To be informed by the police, victim/witness
34 counselor, or other criminal justice personnel, of
35 financial assistance and other social services
36 available as a result of being a witness to or a
37 victim of a crime, including information on how to
38 apply for the assistance and services;
39
- 40 (9) To be provided by the court, whenever possible, with a
41 secure waiting area during court proceedings that does
42 not require a victim or surviving immediate family
43 member to be in close proximity to defendants and
44 families and friends of defendants;



- 1 (10) To have any stolen or other personal property
2 expeditiously returned by law enforcement agencies
3 when the property is no longer needed as evidence. If
4 feasible, all the property, except weapons, currency,
5 contraband, property subject to evidentiary analysis,
6 and property, the ownership of which is undisputed,
7 shall be returned to the person within ten days of
8 being taken;
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- 10 (11) To receive prompt restitution from the person or
11 persons convicted of the crime that resulted in the
12 victim's or surviving immediate family member's loss
13 or injury;
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- 15 (12) To have available pre-sentence reports relating to the
16 crime when they are available to the defendant;
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- 18 (13) To be informed by the Department of Public Safety of
19 changes planned by the department in the custodial
20 status of the offender that allows or results in the
21 release of the offender into the community, including
22 escape, furlough, work release, placement on
23 supervised release, release on parole, release on bail
24 bond, release on appeal bond, and final discharge at
25 the end of the prison term; and
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- 27 (14) To be heard at any proceeding when any post-conviction
28 release from confinement is being considered;

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30 and

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32 BE IT FURTHER RESOLVED that the Department of Public
33 Safety, the Hawaii Paroling Authority, the judiciary probation
34 divisions and branches, and the Department of the Attorney
35 General shall make good faith efforts to notify the victim of a
36 crime, or a surviving immediate family member, that:

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- 38 (1) Income received by an imprisoned person exceeds
39 \$10,000; and



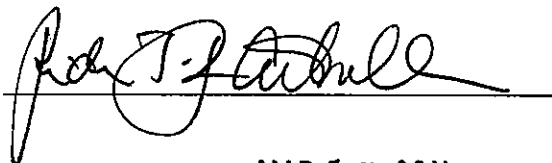
1 (2) Payment of restitution and judgments to a victim or
2 surviving immediate family member shall be a
3 precondition for release on parole for any imprisoned
4 person whom the Hawaii Paroling Authority determines
5 has the financial ability to pay restitution and
6 judgments;

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8 and

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10 BE IT FURTHER RESOLVED that a victim have these rights and
11 be eligible for services if the victim reported the crime to
12 police even more than three months of its occurrence or
13 discovery; and

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15 BE IT FURTHER RESOLVED that certified copies of this
16 Concurrent Resolution be transmitted to the Director of Public
17 Safety, the Chairperson and Administrator of the Hawaii Paroling
18 Authority, the Chief Justice of the Hawaii Supreme Court and
19 judiciary probation divisions and branches, the Attorney
20 General, the Chiefs of Police of the City and County of
21 Honolulu, Maui County, Kauai County and County of Hawaii, and
22 victim/witness counselors.

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OFFERED BY:



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